

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-91
Series of 2009

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A RESOLUTION SUBMITTING A BALLOT QUESTION REGARDING AMENDMENT OF THE CITY'S HOME RULE CHARTER TO THE ELECTORS OF THE CITY OF NORTHGLENN AT THE NOVEMBER 3, 2009, REGULAR MUNICIPAL ELECTION TO AMEND ARTICLE 11 OF THE CHARTER, AND SETTING THE BALLOT TITLE THEREOF

WHEREAS, Section 14.6 of the City's Home Rule Charter permits amendment to the Charter to be accomplished by any means authorized by state law or the state constitution;

WHEREAS, pursuant to Article XX, Section 5, of the Colorado Constitution, the City Council may, on its own initiative, submit by ordinance or resolution any charter amendment as a question to the voters at any general or special state or municipal election so long as the election is held not sooner than thirty (30) days following submission of the question to voters;

WHEREAS, by operation of Resolution No. 08-58, the City Council formed the 2008-2009 Charter Committee as an advisory board or commission pursuant to Section 12.1(c)(2) of the City's Home Rule Charter for the purpose of reviewing the Charter and making suggestions for amendments thereto;

WHEREAS, the City Council wishes to submit to the City's voters a question recommended to it by the Charter Committee that would amend Article 11 of the Charter; and

WHEREAS, the November 3, 2009, regular election will be held more than thirty (30) days following submission of the following question to voters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. At the regular municipal election of Tuesday, November 3, 2009, the following question shall be submitted to the registered electors of the City of Northglenn, Colorado:

QUESTION NO. ____: (Amend Article 11 of the Charter
regarding Elimination of Voter Approval for
Public Utility Franchises)

Shall the City of Northglenn Home Rule Charter, Article 11, Sections 11.5, and 11.7, be amended to read as follows?

Section 11.5 Grant of Public Utility Franchises:

(a) Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance.

(1) With respect to any franchise, after mutual agreement with the holder of the franchise, the City Council may, by ordinance extend the area served by the franchise, including streets, alleys, public space and property not originally embraced in such franchise, when public convenience and necessity requires, subject to the terms and conditions of such original franchise, and coextensive with the terms thereof. Provided, however, that if provision is made for such extension of facilities in the original franchise agreement, City Council need not act by ordinance to permit such extension and the holder of the franchise may proceed to extend such facilities in accordance with the terms and conditions of the original franchise.

(2) For purposes of this Charter, cable television and garbage, trash or rubbish disposal shall not be deemed to be public utilities.

(b) No exclusive franchise shall be granted.

(c) No franchise shall be granted without reserving to the City such fair fee arising from the use thereof as shall be fixed in the grant of such franchise.

Section 11.7 Conditions of Franchises:

All public utility franchises granted after the effective date of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, except as otherwise provided by the Statutes of Colorado applicable to Home Rule Cities and the Constitution of the State of Colorado; but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the City to impose or require:

(a) The ability to repeal and revoke the same for failure of the grantee to comply with the provisions thereof.

DATED at Northglenn, Colorado, this ____ day of _____, 2009.

SHERI L. PAIZ
Mayor Pro Tem

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney